APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,886	10/04/2005	Peter Dam Neilsen	800.0172.U1(US)	6802

10948   7590   05/20/2011
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EXAMINER
STEPHEN, EMEM O

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
05/20/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
   Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 February 2011</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>10,12,13 and 37-62</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>10,12,13 and 37-62</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 2/22/2011 have been fully considered but they are

not persuasive.

The Applicant's argument concerning receiving a selection of a trigger application

...trigger the reminder is not persuasive for the reason that the applicant's specification

discloses an application, being one of the applications 21 and 31 to 40 (clock

application, call handler application, email application) shown in Figure 2, is started at

step s2, either by the operating system 30 or by the user. it is determined if any

parameter associated with the application is present. In the event of an incoming

call, then the parameter may be the CLI in which case the parameter will be present

on starting the application. If the application being started is the call handling

application 31 but the call is an outgoing call, then the parameter will not necessarily

be present when the application is started (col. 15, line 19-col. 16, line 22).

Matsumoto discloses note input procedure, the email transmission procedure

and the notes display procedure (col. 8, lines 21-23), the newly added information is the

contents which was not given to the party because the phone call did not get through

(col. 6, lines 41-60), If the above-stated personal information includes an e-mail

address, the notepad control unit 113 has the display unit 108 display a message

inquiring of the user whether or not to send e-mail on the above subject of notes to the

e-mail address (col. 7, lines 1-14), the procedure conducted by the notepad control unit

113 when receiving an incoming call (i.e., notes display procedure) (col. 9, lines 18-34).

Matsumoto also discloses user selected trigger applications (see fig. 4 step 108, and

110). Therefore, Matsumoto discloses "receiving a selection of a trigger application

which is to trigger the reminder, where the selected trigger application is one of a

plurality of user selectable trigger applications."

Matsumoto further discloses the notepad control unit 113 has the display unit 108

display a message inquiring of the user whether or not to send e-mail on the above

subject of notes to the e-mail address. Then, if receiving an instruction to send the e-

mail from the user, the notepad control unit 113 sends the subject of notes to the e-mail

address (col. 7, lines 1-7). Therefore, Matsumoto discloses "in response to determining

that the received reminder is compatible."

In view of the above, rejections are maintained and repeated below.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –(e) the invention was described in (1) an application for
> patent, published under section 122(b), by another filed in the United States before the invention by
> the applicant for patent or (2) a patent granted on an application for patent by another filed in the
> United States before the invention by the applicant for patent, except that an international application
> filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of
> an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 10, 12-13, 37, and 40-62 are rejected under 35 U.S.C. 102(e) as being

anticipated by US Pat No. 7,440,748 to Matsumoto et al.

Regarding claims 10, 51, and 59, Matsumoto discloses a method comprising: in

operating a mobile communications device (col. 2, line 23, when a user makes a call),

receiving a request to create a reminder (col. 2, lines 25-27, and col. 3, lines 13-15, a

remaining unit for reminding the user to input the information that would have been

conveyed to a party, and acceptance unit for accepting information); in response to

receiving the request, receiving a selection of a recipient of the reminder (col. 2, lines

27-28, and col. 4 lines 20-22, a storage unit for receiving telephone number of party)

and receiving a selection of a trigger application which is to trigger the reminder (col. 8,

lines 21-23, note input procedure, the email transmission procedure and the notes

display procedure, col. 6 lines 41-60, the newly added information is the contents which

was not given to the party because the phone call did not get through, col. 7, lines 1-14,

If the above-stated personal information includes an e-mail address, the notepad control

unit 113 has the display unit 108 display a message inquiring of the user whether or not

to send e-mail on the above subject of notes to the e-mail address, col. 9lines 18-34,

the procedure conducted by the notepad control unit 113 when receiving an incoming

call (i.e., notes display procedure)), where the selected trigger application is one of a

plurality of user selectable trigger applications (see fig. 4 step 108, and step 110) ,

generating the reminder comprising an indication of the trigger application and an

indication of the recipient (col. 2 lines 27-34); and including sending the reminder to the

recipient where the recipient is remote from the mobile communications device (see fig.

4 steps 110-111).

    Regarding claims 43, 46, 55-56, and 61-62, Matsumoto discloses a method

comprising: in operating a mobile communications device, receiving, from a remote

device(col. 1 line 51, via internet), a received reminder comprising an indication of a

trigger application and an indication of the mobile communications device number (col.

9, lines 21-25, receives communication data from outside the mobile station and

recognizes the telephone number of the sender on the basis of the information

indicating the telephone), where the remote device is remote from the mobile

communications device; and where the indicated trigger application is one of a plurality

of selectable trigger applications (see fig. 4 step 108, and step 110); in response to

receiving the received reminder (col. 9 lines 21-23, transmitted from outside to the

mobile station), determining whether the received reminder is compatible with

capabilities of the mobile communications device(col. 9 lines 4-10); in response to

determining that the received reminder is compatible, associating the received reminder

with the trigger application (col. 7 lines 1-7, the notepad control unit 113 has the display

unit 108 display a message inquiring of the user whether or not to send e-mail on the

above subject of notes to the e-mail address. Then, if receiving an instruction to send

the e-mail from the user, the notepad control unit 113 sends the subject of notes to the

e-mail address, col. 9 lines 4-10, col. 9 lines 11-16) and storing the received reminder in

a memory (col. 4 line 24).

Regarding claims 12, 52, and 60, Matsumoto discloses a method as claimed in

claim 10, further comprising displaying a list of applications which may be selected as

the trigger application which is to trigger the reminder (col. 7 lines 42-45).

Regarding claims 13, and 53, Matsumoto discloses a method as claimed in claim 10, further comprising receiving an additional input, and associating the input with the reminder (col. 9 lines 54-55).

Regarding claims 37, 47, 48, and 57, Matsumoto discloses the method as claimed in claim 10, further comprising receiving a selection of at least one application specific parameter, where an application specific parameter is one of: a resource address, a device setting associated with the trigger application and an application sub-routine of the trigger application, and the reminder further comprises the at least one application specific parameter (see fig. 3).

Regarding claims 40, and 49, Matsumoto discloses the method as claimed in claim 10, where the trigger application is one of: a gaming application and a web browsing application (col. 1 lines 50-53).

Regarding claim 41, Matsumoto discloses the method as claimed in claim 13, where the additional input comprises a note to be outputted when the reminder is announced (fig. 3 204, fig. 4 steps 107-109).

Regarding claims 42, 50, 54, and 58, Matsumoto discloses the method as claimed in claim 41, where the note comprises at least one of: text, audio content and image content (fig. 4 step 110).

Regarding claim 44, Matsumoto discloses the method as claimed in claim 43,

further comprising: in response to determining that the received reminder is compatible,

requesting confirmation that the reminder is to be processed (col. 7, lines 3-6).

Regarding claim 45, Matsumoto discloses the method as claimed in claim 43,

further comprising: in response to receiving the confirmation, displaying the received

reminder and requesting approval for the received reminder to be used, where

associating the received reminder with the trigger application and storing the

received reminder in the memory is only performed in response to the approval being

received (see figs 6-7).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

  1.   Determining the scope and contents of the prior art.
  2.   Ascertaining the differences between the prior art and the claims at issue.
  3.   Resolving the level of ordinary skill in the pertinent art.

       4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

6.   Claims 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto in view of US Pat. No. 7,484,213 B2 to Mathew et al.

Regarding claims 38 and 39, Matsumoto discloses the method as claimed in claim 37.

However, Matsumoto fails to disclose where the at least one application specific parameter comprises a URL of a website, where the at least one application specific parameter comprises a value indicating a number of phonebook entries when a backup copy was made.

Mathew discloses where the at least one application specific parameter is comprises a URL of a website, where the at least one application specific parameter is comprises a value indicating a number of phonebook entries when a backup copy was made (see fig. 31, and col. 17 lines 55-60, and col. 18 lines 5-8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Matsumoto where the at least one application specific parameter is comprises a URL of a website, where the at least one application specific parameter is comprises a value indicating a number of phonebook entries when a backup copy was made as disclosed by Mathew for the purpose of parameter retrieval with known information.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to EMEM STEPHEN whose telephone number is 571 272

8129. The examiner can normally be reached on 8-5 Mon-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Charles Appiah can be reached on 571 272 7904. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. S./
Examiner, Art Unit 2617

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617